

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated August 24, 2007.

Claims 1-22 are the claims currently pending in the application.

Claims 1, 10, 18 and 20-22 are amended to clarify features recited thereby.

### ***Applicant's Statement of Substance of Interview***

Applicant thanks the Examiner and the Supervisory Patent Examiner for the opportunity of a telephone interview conducted on November 5, 2007. During the interview, Applicant's representative proposed amending the independent claims to clarify that the data request is automatically controlled to be transmitted depending on a user-designated time condition entered on user operation keys of the mobile communication device, the user-designated time condition specifying a future time for the automatic transmission of the data request. The Examiners agreed that the proposed amendments appear to overcome the cited references and stated that they may do further searching upon receipt of the present Amendment. The foregoing will serve as Applicant's statement of the substance of the interview.

### ***Rejection of Claims 20 and 22 under 35 U.S.C. §102***

Claims 20 and 22 are rejected under 35 U.S.C. §102 as being anticipated by Straub (5,905,492). Reconsideration of this rejection is respectfully requested.

Independent claims 20 and 22 require that the data request received is sent from the mobile communication device according to a user-designated time condition entered via user operation keys of the mobile communication device. The Office Action acknowledges (Office Action, page 7) that Straub fails to disclose controlling transmission of the data request to the server depending on a user-designated time condition entered on user operation keys of the mobile communication device.

Further, claims 20 and 22 require that the user-designated time condition specify a future timing of the data request to the server. The Office Action does not allege that Straub discloses or suggests such features. Therefore, Straub does not disclose or suggest the recitations of claims 20 and 22.

### ***Rejection of Claims 1-4, 9-13, 15, 18, 19 and 21 under 35 U.S.C. §103***

Claims 1-4, 9-13, 15, 18, 19 and 21 are rejected under 35 U.S.C. §103 as being obvious from Straub, in view of King (2002/0055986). Reconsideration of this rejection is respectfully requested.

Claims 1, 10, 18 and 21 require controlling automatic transmission of the data request to the server depending on a user-designated time condition entered on user operation keys of the mobile communication device, the user-designated time condition specifying a future time for the automatic transmission of the data request.

The Office Action acknowledges (Office Action, page 7) that Straub fails to disclose a data request controller for controlling transmission of data request to the server depending on a user-designated time condition entered on user operation keys of the mobile communication device, as required by claims 1, 10, 18. However, the Office Action alleges that King discloses controlling transmission of the data request to the server depending on a user-designated time condition, citing King, paragraph 6, for this feature.

The cited passage of King discloses that retrieved information is displayed on the screen without interrupting the screen server function, and that the displayed personalized data is thereafter updated in the same manner “at user specified time intervals.”

King does not disclose or suggest a mobile communication device comprising a controller for controlling automatic transmission of the data request to the server depending on a user-designated time condition, the user-designated time condition specifying a future time for the automatic transmission of the data request, as now required by independent claims 1, 10 and 18. Further, King does not disclose or suggest a data request that is sent from the mobile communication device according to a user-designated time condition specifying a future timing of the data request to the server, as now required by independent claim 21.

As discussed, King discloses that at user-specified time intervals the update may be provided (King, page 1, paragraph 6), and clarifies that the user could access information provided to the wireless device “at a more convenient time or from a device with a more suitable user interface for reviewing the information” (King, page 3, paragraph 35). Thus, King discloses allowing the user to access the information at a convenient time for the user, but is silent with respect to allowing the user to program the data request for transmission to the server at a future time. Accordingly, even taken together in combination, Straub and King do not disclose or suggest the restoration of independent claims 1, 10, 18 and 21.

Claims 2-4 and 9 depend from claim 1, claims 11-13 and 15 depend from claim 10, and claim 19 depends from claim 18. Therefore, claims 2-4, 9, 11-13, 15 and 19 are patentably distinguishable over the cited art for at least the same reasons as their respective base claims.

***Rejection of Claims 5, 6, 8, 14 and 17 under 35 U.S.C. §103***

Claims 5, 6, 8, 14 and 17 are rejected under 35 U.S.C. §103 as being obvious from Straub, in view of King, and in further view of Tanaka (GB 2,372,587). Reconsideration of this rejection is respectfully requested.

Tanaka does not cure the above-cited deficiencies of Straub and King as they relate to the above-cited features of independent claims 1 and 10. Therefore, since claims 5, 6 and 8 depend from claim 1, and claims 14 and 17 depend from claim 10, claims 5, 6, 8, 14 and 17 are patentably distinguishable over the cited art for at least the same reasons as their respective base claims.

***Rejection of Claims 7 and 16 under 35 U.S.C. §103***

Claims 7 and 16 are rejected under 35 U.S.C. §103 as being obvious from Straub and King, in view of Yeh (6,675,010). Reconsideration of this rejection is respectfully requested.

Yeh does not cure the above-cited deficiencies of Straub and King as they relate to the above-cited features of independent claims 1 and 10. Therefore, since claim 7 depends from claim 1, and claim 16 depends from claim 10, claims 7 and 16 are patentably distinguishable over the cited art for at least the same reasons as their respective base claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application are believed to be in condition for allowance and patentably distinguishable over the art of record.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,



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ON NOVEMBER 26, 2007